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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,563

12/30/2003

Paul L. Sinclair

11196

8032

7590

07/17/2006

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EXAMINER

AHLUWALIA, NAVNEET K

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,563	Applicant(s) SINCLAIR ET AL.	
	Examiner Navneet K. Ahluwalia	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application has been examined. Claims 1 – 57 are pending in this office action.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the length and number of words exceeding 150. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 – 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claims 1 – 19, 38 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7, 17, 19, 38 and 57 recite in the preamble “a method of performing a join”. For the purpose of examination the examiner has considered “a method of performing a join” to be -A computer implemented method of performing a join operation in a partitioned database system--.

7. Claim 1 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

8. Claim 7 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

9. Claim 17 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

10. Claim 19 appears to have no claimed result under the condition where one or more join conditions are not satisfied.

11. Claim 20 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

12. Claim 26 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

13. Claim 36 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

14. Claim 38 appears to have no claimed result under the condition where one or more join conditions are not satisfied.

15. Claim 39 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

16. Claim 45 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

17. Claim 55 appears to have no claimed result under the condition where one or more join conditions are not satisfied. Therefore the dependent claims also stand rejected.

18. Claim 57 appears to have no claimed result under the condition where one or more join conditions are not satisfied.

Claim Rejections - 35 USC § 101

19. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

20. Claims 1 – 19, 38 and 57 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

21. Claims 1, 7, 17, 19, 38 and 57 recite in the preamble "a method of performing a join". The above stated claims define non-statutory processes because they merely manipulate an abstract idea without a claimed limitation to a practical application. Data structure not claimed as embodied in a computer readable media is descriptive material per Se and is not statutory because they are neither physical nor statutory processes. Structural and functional interrelationship with a general-purpose computer for permitting claimed functions to be realized are not provided in the claims. In contrast, a claimed system should define structural and functional interrelationships between data structures or functional parts and a computer system which permit the data functions to be realized, and is statutory. Thus, the claimed are rejected as being non-statutory. Additionally, the invention, as claimed, is directed to the manipulation of an abstract idea with no practical application in the technology arts. The claim sets forth a method for performing join. The language of the claim does not transform the claimed subject matter into statutory subject matter. Clearly, the recital is merely a field of use or desired end of use limitation. Data that are merely stored or contained in a memory (or database) are simply functional descriptive material without being executed by a general-purpose computer. Thus, the claim is lack a practical application in the technological arts. Applicant is advised to amend the claim by specifying the claim being

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directed to a practical application and being executed by a general purpose computer in order to correct the above indicated deficiencies. For the purpose of examination the examiner has considered "a method of performing a join" to be -A computer implemented method of performing a join operation in a partitioned database system--.

22. The dependent claims 2 – 6, 8 – 16 and 18 suffer of similar deficiencies of their respective base claims.

Double Patenting

23. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

24. Claims 1 – 57 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 24 of U.S. Patent No.

6,944,633. Although the conflicting claims are not identical, they are not patentably

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distinct from each other because claims 1 – 24 of the US patent substantially recite all the limitations of claims 1 – 57 of the instant application. Therefore, it would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claims 1 – 24 of the US patent since the omission and addition of the cited limitations would have not changed the process according to which the method and system for learning a record similarity measurement. Therefore, the ordinary skilled artisan would have been also motivated to modify claims 1 – 24 of the US patent by deleting the use of determining the duplicate record having the a record similarity score and having a decision tree construction. The cited deleting elements would not interfere with the functionality of the steps previously claimed and would perform the same function.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navneet K. Ahluwalia
Examiner
Art Unit 2166



MOHAMMAD ALI
PRIMARY EXAMINER

Dated: 07/07/2006